## IMPRACHMENT.

Trial of President Andrew Johnson for High Crimes and Misdemeanors.

Additional Testimony for the Prosecution.

Examination of General Emory, Colonel Wallace, Congressman Ferry, William E. Chandler and Charles A. Tinker.

Probability of the Testimony for the Prosecution Being Closed To-Day.

WASHINGTON, April 2, 1868. There was nothing particularly enlivening in the impeachment proceedings to-day. The usual andience, composed of almost the identical persons who have attended every day since the inauguration of the drama, occupied the galleries. The back seats were poorly patronized, and, in theatrical parlance, the house might be pronounced thin. The feminine element preponderated, as hitherto, but with less of a bright and beautiful exterior than was presented on the sunshiny opening day, last Monday. Karsener, the witness from Delaware, whose rustic humor diverted the dulness of the court yesterday, was expected by many to make a reappearance, and those who missed the comic part of the performance yesterday afternoon hoped to be regaled by something equally good to-day, provided the Solon Shingle of Delaware was introduced on the boards

At the instance of the Attorney General the facetious Karsener was recalled, and the renown of his humor having gone abroad everybody looked forward to a good old time, just as enjoyable as the performance of "Everybody's Lawyer" and "the barril of apple sass." But Karsener got no chance to gratify the eager fancy of the sexpectant listeners, and in consequence there was no outborst of mirth, though the predisposition of the audience to laugh was so great that the least expression bordering on the serio-comic would have brought down the house.

Mr. Stanbery elicited from Karsener, after a brief interrogatory, that he called on Secretary Stanton after his interview with General Thomas, and of course the inference was that he detailed to the functionary of the War Department the character of his conversation with the Secretary ad interim,

Mr. Ferry, from Michigan, member of the House, testified in a somewhat similar manner to previou witnesses the nature of the interview between Thomas and Stanton, and then General Emory made his appearance as the grand prop of the tenth article of impeachment. Emory has ordinarily a pretty bluff, vigorous voice, but on this occasion he spoke his part in a wonderfully subdued tone, so much so that several anxious Senators had to request of him to elevate his enunciation to a higher key, which he managed to do in the end after considerrable effort. There was nothing new or striking in General Emory's evidence beyond the statement that he recommended to the President the retention of more troops here in Washington, on account of from which it might be inferred that Emory was apprehensive of a raid on the capital by the chivalrous organizations of the adjoining State.

General Butler has monopolized all the honor and glory of conducting the drama so far, and has literally been the manager of the affair, to the exclusion of the ambitious Logan, the modest Bingham, the non-asserting Wilson and Boutwell, the good-natured Williams and the practically defunct Thad Stevens. Butler has strutted his hour on the stage with a prominence and self-assertion eminently characterstic. He has handled the witnesses most cavalierly and conducted things generally just as he pleased. To-day, however, he caught a Tartar in the person of Wallace, of the Twelfth infantry. The Colonel is the very beau ideal of a soldier, straight as a ramrod, well built, and while giving his testiny stood as if on parade. Butler questioned him as to the business he had with Colonel Moore, the President's Private Secretary, on the night of the 22d of February. Wallace replied that Colonel Moore seut for him to say that his nomination for brevet promotion had been set aside by the Senate. Butler Raid that he had testified before the committee that Moore told him he was rejected by the Senate, and be wished to know why he had changed the expreson now and used the phrase "set aside." with an immovable countenance, looked for a moment sternly at Butler, and then, in a clar, ringing response, said he was at perfect liberty to use what ever phraseology he pleased. His manner was an unmistablishe rebuce of Butler's impudent catechetical style of examining witnesses, and was highly appreciated by the audience, who felt something like

William E. Chandler, recent Assistant Secretary of the Treasury, followed, and gave his testimony very well and clearly. Butler created a good deal o merry surprise by his answer to the question of counsel as to the relevancy of Chandler's evidence by stating it was the object of the prosecution to make it appear that Cooper was appointed in Chandler's place in the Treasury to co-operate with Thomas by honoring his warrants from the War Department. Chandler testified that no warrants could be issued by the Assistant Secretary without the cognizance and approval of the

an impulse to applaud.

The last wilness to-day was Mr. Tinker, who had charge of the telegraph office in the War Department. and sent a despatch from the President to Lewis E. Parsons, Governor of Alabaran, enjoining upon him the duty of acting in strict accordance with the constitution. The counsel for the defence laughed a good deal over this makeshift to prove a "high crime and misdemeanor," and Butler himself seemed to appreciate the ridiculousness of the evidence, be cause he made a lame and blundering effort to give it a color of importance.

On the whole, the evidence of to-day, to any im partial observer, was very feeble and watery, and unless the Managers do better Thad Stevens himself will denounce the whole thing as an unmitigated

bore.
The Board of Managers on the part of the House of Representatives expect to close the examination of witnesses on the side of the prosecution to morrow, upless some objections raised by the other side occasion unexpected delay. It is understood that as soon as they will have com-pleted their testimony the Managers will make n effort to increase those of their number to take part in the argument. It is said they will ask for five, and probably the whole Board. If this be agreed to the entire counsel for the President will also participate. At present it appears that Mr. Curtis will open the case on the part of the defence. In the event of the Managers realizing their expecta-tions of closing to-morrow the defence will make an Tort to postpone further action until Monday next.

## PROCEEDINGS OF THE COURT.

Seventh Day.

UNITED STATES SENATE CHAMBER, WASHINGTON, April 2, 1868. The Squate met at twelve o'clock and the chair was immediately vacated for the Chief Justice, who said, "The Sergreant-at-Arms will open the court by The Sergeana-at-Arms made proclamation in due

At ten minutes past twelve the Managers were announced and took their places, and immediately following about a dozen members of the House of Representatives,

The journal was then read.

Mr. DRAKE, immediately after the reading of the journal was concluded, rose and said:-Mr. President, I send to the chair and ask the adoption of

an amendment to rule seven.

The Sr. arrany resulting amondment as follows:-

At the suggestion of Mr. DRAKE rule seven was read. As proposed to be amended it provides that the Chief Justice shall rule upon all questions of evidence and incidental questions, &c., in the first

Mr. HENDRICKS-I suppose by the rules it stands

over for one day.

The CHIEF JUSTICE—If any Senator objects. Mr. CONKLING-Under what rule ? A brief colloquy ensued between Messrs, HENDER son and CONELING, inaudible in the Reporters' Gal-

Mr. STANBERY, of counsel for the President then rose and said :- Mr. Chief Justice, before the Managers proceed with another witness we wish to recall for a moment Mr. Karsener.

MR. BUTLER, of the Managers-I submit that if Mr. Karsener is to be recalled, the examination and sides, he must be recalled as a witness of the respon-

cross-examination having been finished on both dent, and the proper time to call him will be when they begin their case.

Mr. STANBERY-We will call him but for a mo-

The CHIEF JUSTICE (to Mr. Butler)-Have you any objection to his being called? Mr. BUTLER-No, sir.

George Karsener took the stand again. Question by Mr. STANBERY-Mr Karsener, where did you stay that night on the 9th of March when

you had had this conversation with General Thomas? A. I stayed at the house of Mr. Tanner. TESTIMONY OF THOMAS W. FERRY, MEMBER OF CON-GRESS.

Mr. Thomas W. Ferry, a member of Congress from

Michigan, was next called, and, being sworn, was examined by Mr. BUTLER, as follows:—
Q. Were you present at the War Office on the morn-

ing of the 22d of February, when General Thomas Q. At the time when some demand was made? A

Q. State whether you paid attention to what was going on there, and whether you made any memoran-dum of it? A. I did pay attention, and I made a memorandum of the occurrences so far as I observed

O. Have you that memorandum with you? A. I

O. Please state, assisting your memory by that memorandum, what took place there, in the order, as well as you can, and as distinctly as you can? A The memorandum covers the occurrences as distinctly as I can possibly state them; I wrote it immediately after the occurrence, and it is more accurate and perfect than I can state from memory, Mr. BUTLER-Unless objected to, you may read it. Mr. STANBERY-We shall make no objection.

The witness then read the memorandum as fol-

The witness then read the memorandum as follows:—

WASHINGTON CITY, Feb. 22, 1868. In the presence of Secretary Stanton, Judge Kelley, Mr. Moorhead, General Dodge, General Van Wyck, Mr. Van Horn, Mr. Delano, and Mr. Freeman Clarke. At twenty-divenimites to twelve Adjutant General Thomas came to the office of the Secretary of War, saying "Good morning." The Secretary replied, "Good morning, sir." Then looking around Thomas said, "I do not wish to disturb these gentlemen, and I will wait." The Secretary replied, "Good morning, sir." Then looking around Thomas said, "I do not wish to disturb these gentlemen, and I will wait." The Secretary replied, "Nothing private here, sir; what do you want?" Thomas demanded of Secretary Stanton to surrender the Secretary of War Office. Stanton denied it to him and ordered him back to his own office as Adjutant General. Thomas refused to go, and said, "I claim the office of Secretary of War, and demand it by order of the President." Stanton—"I deny your authority to act on that order, and I order you back to your own office." Thomas—"I will stand here. I want no unpleasantness in the presence of these gentlemen." Stanton—"You can stand there if you please, but you cannot act as Secretary of War. I am Secretary of War, and order you to get out of this office to your own," Thomas—"I refuse to go, and I will stand here." Stanton—"How are you to get possosion? Do you mean to use force?" Thomas—"I don't care to use force, but my mind is made up as to what I am to do. I want no unpleasantness. I shail stay here and act as Secretary of War." Stanton—"Stanton—"You shall not, I order you, as your superior, back to your own office." Thomas—"I will not obey you, but will stand here." Stanton—"You shall not, I order you please, but I order you out of this office to your own office. Thomas—"I shall require de ordering General Schriver and General E. D. Townsend. Stanton entered, followed by Moorhead and Ferry, and ordered these offices and commenced ordering General Schriver and General E. D

Cross-examination by Mr. STANBERY:-Q, Did the conversation stop there? A. So far as

I beard it did. . Q. You then left the office? A. & did: 1 left Genea! Thomas in General Schriver's room and returned to the Secretary of War's room; the Secretary of War remained for a few moments in General Schriver's

room and then returned to his o'a'n room.

Q. How early on the morning of the 22d did you go to the office of the Secretary of War? A. My impression is it was about a quarter past cleven o'clock

go to the office of the Secretary of Wart A. My impression is it was about a quarter past cleven o'clock in the morning.

Q. Had you been there at all the night before?

A. I had not been.

The storm which passed over the city made the hall so dark that the gas had to be lighted at this point. The testimony was then resumed:—

Q. Did you hear the order given by General Thomas in General Schriver's room? A. Yes, sir.

Q. Were you in General Schriver's room at the time? A. I believe I was the first who followed Mr. Stanton into Schriver's room, and Moorhead came second.

General William H. Emory sworn and examined by Mr. Butler.

Q. What is your rank and your command in the army? A. I am colonel of the Fifth cavalry and brevet major general in the army; my command is the Department of Washington.

Q. How long have you been in command of that department? A. Since the 1st of September, 1867.

Q. Soon after you went into command of the department of the United States as to the troops in the department of the United States as to the troops in the department of the United States as to the troops in the department of the United States as to the troops in the department or their stations? A. Yes.

Q. Before proceeding to give that coversation state to the Senate the extent of the Department of Washington—its territorial limits. A. The Department of Washington—its territorial limits. A. The Department of Washington consists of the District of Columbia, Maryland and Delaware, excluding Fort Delaware.

Q. State as well as you can, and if you cannot give it all, the substance of your coversation which you had with the President when you first entered on the command. A. It is impossible for me to give anything like the coversation; I can only give the substance of it, it occurred long ago; he asked me about the location of the troops, and I told him the strength of ench posting and, as northy as I sould recollect, the commanding officers of the conversation; there was some conversation as to whether more troops should be senthere or not, I recommending that there should be always at the seat of government at least a brigade of infantry, a battery of artillery and a squadron of cavalry; some conversation was had with reference to the formation of a military force in Maryland, which was then going on.

Q. What military force? A. The force organized

of a military force in Maryland, which was then going on.

Q. What military force? A. The force organized by the State of Maryland.

Q. Please state as nearly as you can what you said to the President in substance relative to the formation of that military force? A. I merely stated that I could not see the object of it, and that I did not like the organization, and saw no necessity for it.

Q. Did you state what your objections were to the organization? A. I think it likely that I did, but I cannot recollect exactly at this line what they were: I think it likely that I stated that they were clothed in uniform which was offensive to our people—some portions of it—and that they were officered by genicience who had been in the Southern army.

Q. By offensive uniform do you mean gray? A. Yes.

Q. Do you recollect anything else at that time? A.

Q. Do you recollect anything else at that time? A. Q. Did you call at that time upon the President at

Q. Did you call at that time upon the President at your own suggestion and of your own accord, or were you sent for? A. I was sent for.

Q. When again did he send for you for any such purpose? A. I think it was the 22d of February.

Q. In what manner did you receive the message?

A. I received a note from Colonel Moore.

Q. Who is Colonel Moore? A. He is private Secretary to the President and an officer in the army.

Q. Have you that note? A. I have not; it may be in my desk, at the office.

Q. Did you produce that note before the Committee of the House of Representatives? A. I read from it.

from it.

O. Have you since seen that note as copied in its proceedings? A. I have.

Q. State whether this (handing paper to witness) is a correct copy? A. It is a correct copy.

Q. Plense read it.

The witness read as follows:—

EXPUTIVE MANAGOR, WASHINGTON, Feb. 22, pelGENTRAL—The President directs me ta state that he we pleased to have you call more than as stary as practice very result, and applicate or come.

Very result, and applicate course.

all such questions the votes shall be without a divi-sion, unless the yeas and nays be demanded by one-fifth of the members or required by the presiding officer, when the same shall be taken."

Q. How early did you call? A. I called immediately.

Q. How early in the day? A. I think it was about midday.

Q. Who did you find in the President's room? A. I found the President alone.

Q. State as nearly as you can what took place there? A. I will try and state the substance of it; the words I cannot undertake to state exactly; the President asked me if I recollected the conversation he had with me when I first took command of the department; I told him I recollected the fact of the conversation distinctly; and he then asked what changes had been made; I told him no material changes, but such as had been made I could state at once; I went on to state that in the fall six companies of the Twenty-ninth infantry had been detached to South Carolina on the requisition of the toommander of that district; two companies of artillery had been detached by my predecessor; one of them, detached for the purpose of aiding in putting down the Fenian difficulties, had been returned to the command was very much the number of companies had been increased the number of companies of the command was very much the same, growing out of the command was very much the same, growing out of the command was very much the same, growing out of the maximum of the war. Q. Who did you and in the President's room? A. I found the President alone.

Q. State as nearly as you can what took place there? A. I will try and state the substance of it; the words I cannot undertake to state exactly; the President asked me if I recollected the conversation he had with me when I first took command of the department; I told him I recollected the fact of the conversation distinctly; and he then asked what changes had been made; I told him no material changes, but such as had been made I could state at once; I went on to state that in the fall six companies of the Twenty-minth infantry had been brought to this city to winter, but as an offset to them that four companies of the Twenty-minth infantry had been detached to South Carolina on the requisition of the commander of that district; two companies of artillery had been detached by my prodecessor; one of them, detached for the purpose of aiding in putting down the Fenian difficulties, had been returned to the command, and that although the number of companies had been increased the numerical strongth of the command was very much artillery and infantry from the order reducing the artillery and infantry from the order of the changes perhaps I might be more explicit. He said, "I replied that if he would sixte to me the changes, perhaps I might be more explicit. He said, "I refer to the changes whith a day or two," or something to that effect, I told him that no changes had been made; that under

stood other officers had consulted Mr. Revery Johnson.
Q. Did you say to him what opinion had been given by those lawyers? A. I stated that the lawyer whom I consulted stated to me that we were bound by it undoubtedly, and that I understood from some officers who, I supposed, had consulted Mr. Johnson that he was of the same opinion.
Q. What did the President reply to that? A. The President said the object of the law was evident; then the conversation ended by my thanking him for the courtesy with which he had allowed me to express my own opinion.

for the courtesy with which he had allowed me to express my own opinion.

Q. Did you then withdraw? A. I then withdrew.
Q. Did you see General Thomas that morning. A.
I have no recollection of it.
Q. State whether this paper is an official copy of
the order to which you refer. A. No, sir; it is only
a part of the order; the order which I had in my
hand has the Appropriation bill in front of it; That
is perhaps another form from the Adjutant General's
office, but it is the substance of the order—is a part
of it. Of R.

Q. Is it so far as it covers this matter? A. As far as it concerns this matter it is a far as it concerns the matter it is a far as it concerns the matter it is a far as it concerns the matter it is a far as it concerns the matter it is a far as it concerns the matter it is a far as it concerns the matter it is a far as it concerns the matter it is a far as it covers the matter?

Q. Is it so far as it covers this matter? A. As far as it concerns this matter it is the same order, but it is not the same copy, or, more properly speaking, the same edition; there are two editions of the order; one contains the winde Appropriation bill, and this is a section of the Appropriation bill.

Q. Is this (handing the witnesss another paper) an official copy? A. Yes, sir.

Q. This, I observe, is headed "Order No. 16," and you said the order was No. 17. Do you refer to the same as a different order? A. I refer to the same order; I think Order No. 17 is the one containing the Appropriation bill, and I think that is the one on the in my office that made the confusion in the first place; I said Order No. 17 is the Order No. 17, I think, embraces the Appropriation bill.

Mr. BUTLER (har ding the paper to 12 President's counsel)—This is No. 15, and covers the section of the art.

Mr. Evants said—Then we will treat this as Order read the order as follows:--

WAS DEPARTMENT,

ANDITATE GENERAL'S OFFICE,

ANDITATE GENERAL'S OFFICE,

ANDITATE GENERAL'S OFFICE,

The following extract from an act of Congress is publish
for the information and government of all concerned:—"A
act making an appropriation for the support of the army
they gar enoing June 20, 1868, and for other purposes."

SECTION 2, And be if forther enacted, Test the headqua
ters of the General of the Army of the United States shall be
at the city of Washington, and 21 orders and instructionarcia
ing to military operation issued by the President or Secretar
of War shall be issued through the General of the Army, an
in case of his absence through the next in rank. The
General of the Army shall not be relieved, sus
pended or removed from the command, or assigne
to duty elsewhere than at the bendquarters, except at his own
request, with the previous approval of the Senate; and an
orders or festivelious relating to military operations issue
contrary to the requirements of this section shall be shall be not TENERAL OFFICE NO. 15. WAR DEPARTMENT,

March 2, 1867.

By order of the Searctary of War.

E. D. TOWNSEND, Assistant Adjutant General.

Q. You are still in command of this Department?

A. I am.

Cross-examined by Mr. Stanberry:—

Q. The payor which You had, and which was read by the President on that day, was marked Order No. 17?

A. Is or 17.

Q. In that paper marked 15 was the whole Appropriation are printed and set out?

A. Yes.

Q. In other respects it was like this? A. In other respects it was like this?

A. In other respects it was like the?

A. In other respects it was like the?

A. In all I may have confounded them.

Q. It is your impression that the paper which you had at the President's, or which was read by you at the President's, is the same as the one in your office?

A. That is my impression.

Q. As I understand you, when this document or No. 17 was sent to the officers of the army there was a discussion among them?

A. Yes.

Q. I see that this document contains no construction of the act, but simply gives the act for their information?

A. That is so.

Q. On reading the act a discussion arose among the officers of the army?

A. Yes.

Q. As to its meaning, or what?

A. A discussion with a view of ascertaining what an officer's obligations under the act were.

Q. Tou had received no instructions from the War Department or elsewhere, except what was contained in this document itself?

A. None wintever.

Q. It left you, then, to construe the act?

A. Yes.

Q. On that you say, to settle your doubts, you applied to an enabent lawyer?

A. I had no doubts myself. To settle the doubts of others I fid.

Q. And the gentleman to whom you applied was Mr. Robert J. Waiker?

A. Yes.

Q. Was it he who advised you that you were bound to obey only orders given through General Grant, whether it was constitutional or unconstitutional to send orders in that way?

A. The question of constitutional or unconstitutional to send orders in that way?

A. The question of you of any that the answer was "constitutional or unconstitutional"?

A. Then I made a mistake

Q. I understood you to say that the answer was "constitutional or unconstitutional"? A. Then I made a mistake: my question was whether we were bound by it: I would like to correct that.

Q. You said in a former answer that the advice was that you were bound to obey the order, whether it was unconstitutional or not, until it was decided? A. We had no right to judge of the constitution.

Q. That was the advice you got? A. Yes.

Q. Decided by whom and where? A. By the Supreme Court; and not only that, but a new order would have to be promulgated making this null and void and of no effect.

Q. When you said to the President that he approved something, did you speak in reference to that order, No. 17, which contains the whole of the act? Did you mean to say that he had approved the order or the act? A. So far as we were concerned the order and the act were the same thing, and if you will observe it it is marked "approved," that means by the President.

Q. What is marked "approved," the order or the

ddent.

What is marked "approved," the order or the A. The act is marked approved; the order constitution but the act, not a word besides.

Then the approval was to the act? A. I contribute or and the act the same. thing, the Managers, produced of the Managers, produced

Managers whether it is their intention to produce the entire correspondence?

Mr. WILSON—It is not our intention to produce anything beyond this letter which we now offer.

Mr. STANBERY (returning the letter)—No other part of the correspondence but this letter?

Mr. WILSON—That is all we propose now to offer.

Mr. STANBERY—I wish the honorable Managers to state what is the purpose of introducing this letter. What is the object? For what charge?

Mr. WILSON—I may state, as the especial object for the introduction of this letter, that it is to show the declaration of the President as to his intent to prevent the Secretary of War (Mr. Stanton) resuming the duties of the office of Secretary of War in deflance of the Senate. Do you desire it read? (To Mr. Stantery.)

ance of the Senate. Do you desire it read? (To Mr. Stanbery.)

Mr. STANBERY—Yes, of course.

Mr. Wilson read the letter, which is that in which the President enclosed the testimony of his Cabinet on the question of veracity between himself and General Grant, and which Mr. Wilson did not read.

Mr. STANBERY—I have asked the honorable Manager if he has read all that he intends to. In that letter certain letters were referred to of which it is explanatory. Do you propose to read them?

Mr. Wilson—All have been read that we propose to offer.

ager if he has read all that he intends to. In that letter certain letters were referred to of which it is explanatory. Do you propose to read them?

Mr. Wilson—All have been read that we propose to offer.

Mr. Stanbery—You do not propose to offer the papers and documents that accompany that letter?

Mr. Wilson—I will state to the counsel that we offer a letter of the President of the United States. We proposed to offer it, we have offered it and it is in evidence. That is the entire evidence.

Mr. Stanbery—We ask that the documents referred to be read that accompany it and explain it.

Mr. Wilson—We offer, sir, nothing but the letter. If the counsel have anything to offer when they come to make up their case we will consider it then.

Mr. Stanbery—Suppose there were a postscript. Mr. Wilson—There is no postscript, though. (Laughter.) It is there as written by the President.

Mr. Stanbery—We will ask a ruling upon that point. On the first page of the letter the matter is referred to, which I will read. (He read portions of the letter, emphasizing the President's quotations from General Grant's letter referring to a former letter of the President as containing many gross misstatements; also the portion referring to the letters enclosed, saying he left them to speak for themselves, without comment. That, Mr. Stanbery continued, is the answer to the statement.

Mr. Wilson—The objection is too late now; if it had any force at the proper time. The letter is submitted and has been read and is in evidence.

Mr. Stanbery—We submit that the gentlemen are bound to produce them.

Mr. Wilson—The objection is too late now; if it had any force at the proper time. The letter is submitted and has been read and is the evidence how.

The Chief Justice made a statement, inaudible to the gallery, which was understood to favor Mr. Wilson's point.

Mr. Wilson—The objection is too late now; if it had any force at the proper time. The letter is submitted and has been read and is in evidence how.

The Chief Justice have desire to state

the Pressura.

Mr. Starriery—We rely upon it.

Mr. Bingham—Of course, the gentlemen rely upon
it and they ask us to read a matter which is no part
of the evidence at all. It is not the highest evidence.
If we are to have the testimony of the members of
the Cabinet about a matter of first, and—as I have
said, this letter claims that this is a material fact—
that that, so far as they are concerned, they are un resident. . Stanbery-We rely upon it. the Cabinet about a matter of fact, and—as I have said, this letter claims that this is a material fact—I claim that, so far as they are concerned, they are unsworn letters and unsworn testmony, and that hy no rate of evidence is competent. I admit that if the letter, according to the statement, were shown—a statement adopted by the President in regard to the matter of the charges—it would be a different question; that it would take it then outside of the rules of evidence; but anybody can see that that is not the point 2° all. I assert that it is not competent to order in evidence the statement of lany Cabinet officer whatever; the, it has not any bearing upon the letter of the execution of the Tenure of Onice law and prevent the Secretary of War, after being confirmed by the Senate, and the appointment of Thomas being nonconcurred in, from entering upon and forthwith performing, as the law requires, the duties of his office.

forming, as the law requires, the dudies of his office. That is the point of this letter. We introduce it for the purpose of showing the President's intention. We say that in every point of view, the letter being offered for the reasons I have already stated, those statements are foreign to the case and we are under no obligation to introduce them, and in my judgment have no right to introduce them.

Mr. Evants—Mr. Chief Justice—If the counsel for the President will reduce their objection to writing.

The objection was prepared accordingly by Mr. Cartis, and by direction of the Chief Justice the Cierk read it, as follows:—

read it, as follows:—
"The counsel for the President object that the letter is not in evidence in the case unless the honorable Managers shall also read the enclosure therein referred to, and by the latter make part of the same in the

Mr. STANDERY-Is the question now before you

Mr. STANERY—Is the question now before your Honor or before the court?

The CHIFF JUSTICE—It is before the court, sir.

Mr. STANERIX—If the Managers read a letter from the President to use against him certain statements that he made in it, and perhaps the whole, all do not know the object. They say the object is to prove a certain intem with regard to the exclusion of Mr. Stanton from office. In that letter the President has referred to certain documents which are enclosed in it as throwing light upon the question and explaining his own views. Now, I put it to the honorable Senators. Suppose he had copied these letters himself it as throwing light upon the question and explaining his own views. Now, I put it to the honorable Senators. Suppose he had copied these letters himself in the body of the letter, and had said, just as he says here, "I refer you to these; these are part of my communication," would any one doubt that, although they came from other persons, he can, if he chooses, use them as explanatory of his letter? He sends along with the letter certain explanatory matters, and he took the trouble of referring to them in the body of his letter. Now, suppose he attaches them to it, makes them a part of it, calls them an exhibit, attaches them to be letter by tape or seal, or otherattaches them to the letter by tape or seal, or other wise, should they not be read as a part of the com-minication—as the very matter which is introduce as explanatory, without which he is not willing to introduce that letter? Certainly. Is it not fair to read wich it the letters that are a part of ity it seem o me that they must read the whole of what the resident said in order to give his views, not merely

the lotter.

Mr. Wilson—The Managers do not suppress any thing; we have received from the Mr. Wilson—The Managers do not suppress anythitas, we have received from the lifes of the proper department a letter, complete in liself, a letter written by the President and signed by the President, in which, it is true, he reiers to certain statements made by members of the Cabinet touching a question of veracity pending between the President and General Grant. Now we insist that that question has nothing to do with this case. Everything contained in the letter which can, by any possibility, be considered as the elements of the case is tendered by offering the letter fixelf, and the statements of the President referring to the said enclosures show that those enclosures reinte exclusively to that question of veracity pending between himself and General Grant, and are in no wise connected with the question between the President and the representatives of the people.

The Chief Justice stated the case, not so as to be heard by the reporters, however.

The GHEF JUSTICE stated the case, not so as to be heard by the reporters, however.

Mr. WHESON—We expect to use the letter for any proper purpose connected with the issues of the case. We read the whole of it.

CHIEF JUSTICE—The Chair will put the question to the consideration of the Senate.

Senator Congling—I offer the following request. It calls for the reading of the Home journal reticulation by the counsel.

The Secretary read the request as follows:—

'The counsel for the respondent will please read the words in the letter relied upon touching the enclosure."

Mr. STANBERY read it, as follows:--

Mr. Standersy read it, as follows:—

General.—The extraordinary character of your left we the ideast, would seem to preclude any reply on my p. what the manner in which publicity has been given to the co. Tespondence of which this letter forms a part and the grave charges which are involved induce me to take this mode of givine, as a proper sequel to the communications which have practiced between us, the statements of the sive members of the labinet who were present on the occasion of our conversation on the left half, copies of the letters which they have addressed to me upon the subject are accordingly berewith transmitted.

transmitted.

The CHIEF JUSTICE stated the question.
Mr. FRELINGBUYSEN called for the yeas and mays, which were ordered.

Somator DRASK—I desire to ask whether, if this objection is sustained, it has the effect of raing out the letter altogether?

ther allogether?
The CHIEF JUSTICE—No, Sir.
In reply to a query from Senator Anthony, the
map Justice stated that the effect of an affirmative
of would be to systate the objection of the Presi-

Senator Henderson—I presume the Senator desires to know whether the letter can afterwards be read as evidence if the objection should be sustained. The CHIEF JUSTICE—It will exclude only the letters. The yeas and nays were then called with the follow-

YRAS—Messrs. Bayard, Conkling, Davis, Diroc, McCreery, Morrill of Vi., Norton, Patieson of Tenn. Ross, Sprague, Trumbull, Van Winkle, Vickers and Willey—20.

NAYS—Messrs. Anthony, Buckalew, Cameron, Cattlell, Chandler, Cole, Conness, Corbett, Cracin, Drake, Edmunds, Ferry, Fessenden, Freinghuysen, Howard, Howe, Morgan, Morrill of Mc., Nye, Patierson of N. H., Pomeroy, Ramsey, Sherman, Stewart, Sumner, Thayer, Pipton, Wulliams and Wilson, 59.

sherman, Stewart, Sumner, Thayer, Tipton, Williams and Wilson—Sy.

So the objection was not sustained.

Mr. Wilson—We now offer a copy of a letter of appointment of the President, appointing Lorenzo Thomas Secretary of War at interim, that is certified to by General Thomas. I submit it to the counsel for examination, and call attention to one thing connected with it. We offer it for the purpose of showing that General Thomas attempted to act as Secretary of War at interim. His signature is attached to that document as such. If we are not called upon to prove his signature, we will not offer any evidence for the purpose. He read the paper, as well as the following endorsement:—

Official copy respectfully furnished to Edwin M. Stanton.

Received ten P. M. February 21, 1865.

Mr. Stanberry—That is in the handwriting of Mr. Stanton.

Mr. BUTLER-That is in the handwriting of Mr Stanton.

Mr. Wilson—We next offer copies of the order removing Mr. Stanton, the letter of authority appointing General Thomas, with certain endorsements thereon forwarded by the President to the Secretary of the Treasury for his information, and submit that.

that.

After inspection by Stanbery and Curtis, Mr.

Milson asked—Have the counsel for the respondent
any objection to the introduction?

They replied negatively.

The papers were then read.

TESTIMONY OF LIEUTENANT COLONEL GEORGE W.

WALLACE.

George W. Wallace sworn and examined by Mr.

Butler:

Butler:—
Q. What is your rank in the army? A. Lieutenant colonel, Twelfth infantry, commanding the garrison at Washington since August last.
Q. What time in August? A. The latter part of the month; the exact day I do not recollect.
Q. State if at any time you were sent for to go to the Executive Mansion about the 23d of February? A. On the 22d of February I received a note from Colonel Moore that he desired to see me the following morning at the Executive Mansion. Colonel Moore that he desired to see me the following morning at the Executive Mansion.

Q. Who is Colonel Moore? A. He is on the staff of the President and is an officer of the army.

Q. Does he act as secretary to the President? A. I believe he does.

Q. Does he act as secretary to the Fresident? A. I believe he does.
Q. About what time of the night did you receive the note? A. About seven o'clock.
Q. Was there any time designated when you were to call? A. Merely in the morning.
Q. Did you go? A. I did.
Q. What time in the morning? A. About ten o'clock.

o'clock.
Q. Did you meet Colonel Moore there? A. I did.
Q. What was the business? A. He desired to see
me in reference to a matter relating to myself per-

sonally.

Q. How? A. Some time in December my name had been submitted to the Senate for brevet. The papers had been returned to the Executive Mansion, and on looking them over Colonel Moore was of the opinion that my name had been set aside. His object was to notify me of that fact in order that I might make use of influence and have the matter rectified.

olight make use of influence and have the matter rectified.

Q. After that did he say anything about your seeing the President?? A. I asked him how the President was; he replied, "Gery well, do you desire to see him?" to which I replied "Certainty," and in the course of a few minutes I was admitted to the presence of the Executive.

Q. Was a messenger sent in to know if the President would see you? A. That I am unable to missiver.

dent would see you? A. That I am unable to answer.

Q. Did Colonel Moore leave the room where you were conversing with him before you went in to see the President? A. He left the room to bring out this package of papers and for no other object that I am aware of.

Q. Did he go into the office where the President was for that purpose? A. Yes, sir.

Q. He brought the packages, explained to you that your name appeared to have been rejected? A. Yes, sir.

Q. And then you went in to see the President? A. I did. I went in at my own request.

Q. After you had passed the usual salutations

Q. And then you went in to see the Fresident? A. I did. I went in at my own request.
Q. After you had passed the usual salutations what was the first thing he said to you? A. The President asked me if any changes had been made in the garrison within a short time.
Q. In moving the troops you mean the garrison of Washington A. Vec. Q. in moving the troops you mean the garrison of Washington? A. Yes.
Q. What did you tell him on that subject? A. I re-

Q. What did you tell him on that subject? A. I reported that four companies of the Twelfth manney had been sent to the Fifth district, and that beyond that no other changes had been made. I omitted to mention another company which I have since thought of.

Q. Did he ever send for you on such an errand before?

Mr. Evarrs suggested that the President had not sent for him on this occasio.

Mr. Evarrs suggested that the President had not sent for him on this occasio...

Mr. Butlet medified his question—Did he ever get you into his room, either directly or indirectly, in order to put such a question as that before?

Mr. Evakrs objected to the question because it assumed that the witness had stated that on his inquiry 'how the President was'' the Private Secretary said, "Would you like to see him?' and he said "Certainly," and went into his room. That was certainly not getting him into the room directly or indirectly.

Mr. BUTLER—I assume one theory, Mr. President, and the counsel assumes abother.

Mr. EVARTS—I follow testimony. I assume nothing.

Mr. Evalue—I follow testimony. I assume nota-ing.

Mr. Butler—I again say that I assume one theory on the testimony, and I think the testimony was that the witness went there by the procurement of the President. I shall so argue when I come to it. But without parleying about that I will put the question

 in this form:—
 Q. Were you ever in that like position in reference to the President?
 A. Never. Q. Did he say to you anything on that subject as to his having asked the same question from your com-mander, General Emory, on the previous day, and of his having told him the same as you day? A. No, sir, Q. Did he speak of it as a thing which he did not low aiready? Mr. Evanrs suggested that the witness should state

know aircady?

Mr. Evarrs suggested that the witness should state what the President said.

Mr. Stanbery also objected to this mode of examination in chief, saying that it was a mode of examination which was altogether new to counsel.

Mr. Butler withdrew the question and asked, was there anything more said? A. Nothing more.

Q. On your part or his? A. On neither.

Q. Did you find out the next day that you had been rejected in my testimony before the committee; but I do not know that that was the expression. When I come to reflect upon it, the words used by Colonel Moore were "set aside." My own view of the matter was that I had been rejected.

Q. Why do you change now on the stand the word "rejected" for the words "set aside" before. It is you that makes the change.

Mr. Evarts—He does not change he said "set aside" before. It is you that makes the change.

Mr. Butler—I understand what he spad. To the witness—Q. Why do you now change and say that you do not think Colonel Moore used that language?

A. I have a perfect right to make use of such language as I think proper as a witness.

Mr. Eutler—Entirely so, sir: but I only ask you why you use it? A. My reason is to correct any misapprehension in regard to the expression of Colonel Moore. My own view of it was that it amounted to a rejection. He said "set aside:" he used that language, I think.

Q. Did he make any difference between "set aside" and "rejected" at that that that is a question

1 think.
Q. Did he make any difference between "set uside", and "rejected" at that time? A. That is a question I never thought of.
Q. Did he advise you to use influence with Senators to get yourself confirmed?
Mr. STANBERY asked what that had to do with the question. question?
Mr. ECTLER said he wanted to understand what
the witness meant by "rejected."

Mr. BUTLER said he wanted to understand what the witness meant by "rejected."

REKESA.

The witness was not cross-examined, and the court took a recess for ten minutes.

ACCIDENT TO THADDELS STEVENS.

During the recess Mr. Stevens, in attempting to reach a chair, fell on the foor of the Senate channer. Several Senators ran to his assistance, raised him and heiped him to a chair. He appeared not to be much hurt. the recess Mr. BUTLER put in evidence the order restoring General Thomas to the Adjutant General's office. The order is dated Headquarters of the Army, February 14, 1868, and is as follows:—

Army, February 14, 1808, and is a solitowa;—
Gen. L. Thowas, Adjunate General:—
Size: General Grant directs me to say that the President
of the United States desires you to assume your duties as
Adjunate General of the army. Your respectfully
C. B. COMSTOCK, Brewet Brig, General,
TESTISONY OF W. B. CHANDLER,
William E. Chandler was then sworn and C. Kamolder Mr. BETLER;—

William E. Chandler was then sworn and ckamined by Mr. Bettleri—
Q. I believe you were once Assistant Secre tary of the Treasury 7 A. I was.
Q. From what time to what time? A. Fr an June, 1865, ith November 30, 1867.
Q. While in the discharge of the duties of that office did you learn the office routine or practife by which money is taken from the Treasury for t as use of the War bepartment? A. I did.
Q. State the steps by which it is d xwn from the Treasury for the War Department?
A. Ry requisition of the Secretary of War on the Treasury, which requisition passes counting officers of the department honored by the Issue of a warrant signed by the Secretary of the Treasury, on which the money is paid by the Treasury, on which states.
Q. Fleuse state the account regions of the United States.

the hone; is part by the second and officers through which it passes? A. The second depratroller of the Treasury has control of the wir a and navy accounts. Several of the accountants in the offices pass upon the war requisitions; the second Audit at the Third

the war requisitions; the se cond Audio or, the Third and possibit others.

Q. Please trace a requisition through the War Department. A. My at lention has not peen called to the subject until now, and I am notes that accurate. When process in any impression, however, is that a requisition from the secretary of that would come to the secretary of the Treasury for the ourpost of ascertaining appropriation on which the draft peen drawn. The requisition wo office of the Comptroller through the secretary of its to be made has only pass from the secretary of its through the secretary of the sec

Secretary of the Treasury a warrant for the payment of money would be issued, which would also pass through the office of the Comptroller, being countersigned by him. Then it would pass into the office of the Register of the Treasury to be there registered, and thence to the Treasury to be there registered, and thence to the Treasurer of the United States, who on this requisition would issue his draft for the payment of the money. That is substantially the process, though I am not sure that I have stated the different steps of it accurately.

Q. Would it go to the Second Auditor first 7 A. Quite possibly the requisition would go first to the Second or Third Auditor and then to the Comptroller.

Q. Is there any method known to you by which the

Second or Third Auditor and then to the Comptroller.

Q. Is there any method known to you by which the President of the United States or any other person can get money from the Treasury of the United States, for the use of the War Department, except through a requisition of the Secretary of War? A. There is not.

Q. What is the course of issuing a commission to an officer of the Treasury Department who has been confirmed by the Senate? A. A commission is prepared in the department and signed by the Secretary; it is then forwarded to the President and signed by him; it is then returned to the Treasury Department, where, in the case of a bonded officer, it is held until his oath and bond have been fled and approved. In the case of an officer not required by law to give bond the commission is held until he qualifies by taking the oath. It is my impression that that is the usual form. There are some officers of the Treasury Department whose commissions are countersigned by the Secretary of State instead of the Secretary of the Treasury. For instance, an assistant secretary's has to be countersigned by the Secretary of State, and not by the Secretary of the Treasury, and I suppose the commission of the Secretary of the Treasury himself issues from the office of the Secretary of State.

Q. On the 20th of November, 1867, was there any

and I suppose the commission of the Secretary of the Treasury himself issues from the office of the Secretary of State.

Q. On the 20th of November, 1867, was there any vacancy in the office of Assistant Secretary of the Treasury? A. There was not.

Q. Was there a vacancy up to the 30th of November? A. There was not.

Q. Do you know Edmund Cooper?

Mr. STANBERY asked the object of offering that testimony.

Mr. Stander asset the conject is to show one of the ways and means, described in the eleventh article, by which the President proposed to get control of the moneys of the Treasury Department and of the War Department. If the counsel has any other question to ask, I shall be very glad to answer it.

Mr. Standery—That is not a sufficient answer to the question.

question to ask, I shall be very glad to answer it.

Mr. STANBERY—That is not a sufficient answer to the question.

Mr. BUTLER—It is sufficient for the time.

Mr. BUTLER—What part of the eleventh article do you propose to connect this testimony with?

Mr. BUTLER—What part of the eleventh article do you propose to connect this testimony with?

Mr. BUTLER—What part of the eleventh articles. The eighth article says "that said Andrew Johnson, unaundful of the higa duties of his office, and of his oath of office, with intent unlawfully to control the disbursement of monays appropriated for the military service and for the Department of Wsr," did so and so. One of his means for doing it was to place his private secretary in the office of Assistant Secretary of the Treasury, as I understand it, is allowed by law to sign warrants.

Mr. Evant's said the Managers propose to prove that there being no vacancy in the office of Assistant Secretary of the Trearury the President proposed to appoint Edmund Copper Assistant Secretary. That is the idea is it? We object to its relevancy under the eighth article as to the eleventh article. The honorable court will remember that in our answer we stated that there were no suggestions of ways and means or of attempts of ways and means of August, 1866, did afterwards on the 21st of February, 1863, at the city of Washington, in the District of Columbia, unlawfully and in disregard of the requirements of the constitution prevent the execution of the Tenure of Onice act. The only allegations in that article are that on the 21st of February, 1868, the President did attempt to prevent the execution of the Tenure of Onice act by unlawfully contriving means to prevent few win M. Stanton from resuming its place in the War Department, and now proof is offered here substantively of efforts in November, 1867, to appoint Edmund Cooper as Assistant Secretary of the Treasury, We object to such proof.

Mr. Butler.—The objection is twofed; one is that the pleasure is too general. He were not find at t ment at common raw for a conspiracy and were to make the allegations too general, the only objection to that would be that it did not sufficiently inform make the allegations too general, the only objection to that would be that it did not sufficiently infogul the defendants what act should be given in evidence, and the remedy for a defendant in that case is to move for specifications or a bill of particulars. Therefore indictments for conspiracy are generally drawn as was the indictment in the Martha Washington case, giving one general count and then several specific counts, setting out specific acts in the nature of specifications, so that it the pieader fails in sustaining the specific acts the plea may hold good under the general count. We need not, I say, discuss the question of pleadings. The only question is, is this testimony competent? The difficulty that rests in the mind of my learneds friend out the other side is, that they custer everything about the 21st of February. They seem to forget that the 21st of February was only the culmination of a purpose formed long before, as in the Fresident's answer is set forth, to wit:—As carry as the 12th of Acquist he says that he determined then to get rid of Mr. Stanton at any rate. I used the words yesterday "at all hazards." That may be subject to criticism. Now, then, there are various things for the President to do. He must get control of the War Office. But what good would that do lif he could not get somebody in the Treasury Department who would be his servant, his flave, dependent upon his breath to answer the requisition of his pseudo officer whom he might appoint to the War Department and there are not become any of the Treasury was therefore a means on the pair of the President to get his hand into the Treasury of the Treasury was therefore a means on the pair of the President to get his hand into the Treasury of the Treasury was therefore a means on the pair of the President to get his hand into the Treasury of the Treasury was therefore a means on the pair of the President to get his hand into the Treasury of the Luited States. We show the Senate that Mr. McCulloch, the Secretary of the Treasury is ing a man's motives and when I am tracing his course. I have not a right to put in every act that he does everything that comes out of may mouth as a part of my proof. Let me see if that is not sustained by authority. The question arose in the trial of James Watt for high treason, in 1817, before one of the best lawyers of England, Lord Ellenborough. The elegation there was precisely the one that the learned counsel here ruses. It was alteged that certain treasonable speeches had been made; they were not set out in form, but it was channed that they could not be proved as overtacts. The question then was whether certain other speeches could be put in as testimony to show the animus with which the first set of speeches could been made. Lord Ellenborough closed the description by saying:—"if there had been no overt act under which this evidence was receivable, it is a universal rule of evidence that what a party says may be given in evidence against himself to explain any part of his conduct to which it bears reference." The counsel for the defence said, "We do not object that it is not evidence to that that it is not proof of the overtact." Lord Ellenborough said, "There can be no doubt that whatever proceeds from the mouth of a man may be given in evidence against him to show the intention with which he acts a forther when it is under his own hands." If his declarations may be given in evidence, why not his acts? I would not trouble the presiding officer—I would not have troubled the Senators—upon this matter had it not been that there may be other acts, all clustering around this grand conspiracy, which we propose to prove if we are permitted to put in the evidence. The question objected to is, "Wo is eldmund Coupert". That was all the question. I suppose my frends do not seriously meah to object to that.

Mr. Transpery—we asked what you expected to

suppose my friends do not seriously mean to object to that. Mr. CTANBERY—We asked what you expected to

supplied by Frenchs do not seriously mean to object to that.

Mr. Stansbery—We asked what you expected to prove in reference to it.

Mr. Betlett—I have replied to that. I propose to prove that Edmund Cooper took possession of Assistant Secretary of the Treasury before the 36th of November, showing that the President gave a commission integally and in violation of the Tenure of Office act, to which I wish to call athention. The sixth section of that act declares that the making, strong and sealing, countersigning or issuing any commission or letter of authority in place of an officer whose retnoval has not been sent to the Senate shall be deemed a high mistelemeanor; therefore the very signing of this letter of authority to Mr. Cooper, the signing if he did not issue it, and the ssuing if he did not issue it, and the ssuing if he did not see it, and the ssuing if he did not see it, and the ssuing if he question therefore will be whether we will be allowed to go into that matter.

Mr. Stansbery said:—We do not object so much to the question as to who Edmund Cooper is: but we want to know what it has to do with this case, and what even the illegal appointment of Edmund Cooper to the coale. We want to know what the scansulation of the proof are intends to make in regard to Edmund Cooper is, in the learned Manager to say that the proof are intends to make in regard to Edmund Cooper is, in the learned Manager to say that the proof are intends to make in regard to Edmund Cooper is, in the first place, that there was an illegal appointment of Mr. Cooper and that the President violated the constitution and the Tenure of Ordic act. Have they given us notice to come here and defend any such delinquency as that the tremse of Ordic act. Have they given us notice to come here and defend any such delinquency as that they change of the case of General Thomas, and of General Thomas alone; as to that, of course, we have no objection of the constitution and the Tenure of Ordic act, and in reference to a temporary appointment of o have been found good by the House, and hot to lanke charges which they choose to manufacture here. The Managers have no right to ament these articles; they must go the House for that right. If they choose to go to the House to get a new article founded upon the ellegal act of the President in appointing Mr. Cooper, let them do so, and let us have time to answer at and to meet it. So much as to the admissibility of testimenty in right to the linegal appointment of Mr. Cooper, it is a matter do; charged. That is enough, the a matter which the Managers are not authorized to charge; they have no such delegated authority